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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,716	02/03/2004	Kwong Heng Kwok	PA030006	2288

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EXAMINER
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JONES, HEATHER RAE

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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07/20/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/770,716

**Applicant(s)**

KWOK ET AL.

**Examiner**

HEATHER R. JONES

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 5/6/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3, 5 and 6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5 and 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 6, 2009 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed May 6, 2009 have been fully considered but they are not persuasive.

The Applicant argues that Takimoto fails to disclose "starting a new recording of a program when the detecting means detects a change in the video standard" and "suppressing starting automatically a new recording of a program when the detecting means does not change in the video standard". The Examiner respectfully disagrees. The Applicant refers to col. 12, line 16 that discloses an example where only type of video type is being recording, but Takimoto discloses VTRs that are capable of recording both NTSC- and PAL-system video signals in col. 11, lines 61-63, which are why the subcodes specifying the recording type is so important. It is well known in the art that one program is not going to be encoded in both the PAL- and NTSC-system, but will

be encoded with one system or the other. Therefore, by Takimoto being able to record both systems it is able to record multiple programs without explicitly disclosing this, which is why Koyabu et al. is used to disclose multiple programs on the same recording medium. Furthermore, since Takimoto is able to record two different signals, the video standard is recorded along with the signal in the ID portion (subcode area of the signal – Fig. 3) of the signal (col. 3, lines 64-67 and col. 12, lines 8-11). In order for the subcode to be generated to distinguish which subcode is to be added to the signal then the VTR would inherently have to detect the video standard in order to include the correct subcode with the video signal. Furthermore, once a new video standard is detected a new subcode is generated for that signal along with the VTR using this information in the change of the video standard in order to process the signal differently for recording in order to comply with the video standard which indicates the start of a new recording. If no change is determined in the video standard then the VTR can continue its recording in the same respect it had recorded the previous frame, thereby suppressing automatically starting a new recording when no change in the video standard has been detected. Therefore, Takimoto meets the claimed limitations and the rejection is maintained.

3. Applicant's arguments with respect to claims 1, 3, 5, and 6 regarding finalizing the recording on the medium have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takimoto (U.S. Patent 5,966,496) in view of Koyabu et al. (U.S. Patent 7,379,655).

Regarding claim 1, Takimoto discloses a video recorder comprising: a source of a digital stream representing a video signal in one of a plurality of video standards; means for recording the digital stream on a medium as a recording among a plurality of recordings (col. 11, lines 61-63); means for recording an indicator of the video standard for the recording (col. 12, lines 8-11); means for detecting the video standard of the video signal thereby generating the indicator (Fig. 1; col. 3, lines 64-67); wherein the recording means automatically starts a further recording when the detecting means detects a change in the video standard and suppresses starting automatically a further recording when the detecting means does not detect a change in the video standard (Fig. 3; col. 3, lines 35-67 – displays that every track has a subcode that identifies the track's video standard, which means that one track cannot have more than one kind of video standard recorded in it). Therefore, when the video standard changes the tracks will contain a different subcode, otherwise it will continue to use the same subcode.). However, Takimoto fails to explicitly disclose a plurality of programs

on the recording medium as well as automatically finalizing the current recording of a program before starting a new recording of a program.

Referring to the Koyabu et al. reference, Koyabu et al. discloses recording a plurality of programs on the same medium (Fig. 1; col. 5, lines 9-22 – the CPU compiles a list of programs recorded on the medium (30)); and when one of the recordings is finished the recording is finalized by finishing the metadata for the program and if another program is to be recorded the next one is started after the previous recording has been finalized (Fig. 5 – steps SP11-SP13; col. 7, line 66 - col. 8, line 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have finalized one recording before recording another program on the same medium as disclosed by Koyabu et al. in the video recorder disclosed by Takimoto in order to effectively record several programs on one recording medium instead of using a new recording medium for each program and to finalize the recording by updating the metadata for the program in order to efficiently find the program on the medium. Furthermore, Takimoto fails to disclose if the new video standard that is detected is for a new program or a different frame in the same program so it is broad enough to be read either way and when combined with the Koyabu et al. reference the new standard can indicate a recording of a new program. However, Takimoto in view of Koyabu et al. fails to disclose finalizing a current recording on the medium, but rather Koyabu et al. stores the finalizing data in RAM separate from the recording

medium. Official Notice is taken that is well-known to keep the information that Koyabu et al. stores in RAM on the medium. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have recorded the finalizing information on the medium rather than on the RAM as disclosed by Koyabu et al. in order to keep all information regarding the recording in the same location and because it is well-known in the art to have recording medium that include navigation information as well as header information providing you with certain characteristics about the program thereby making it easier to navigate.

Regarding claim 3, Takimoto discloses a process for recording a digital stream on a medium as a recording among a plurality of recordings, the digital stream representing a video signal in one of a plurality of video standards, with the steps of: detecting the video standard of the video signal (Fig. 1; col. 3, lines 64-67); recording an indicator of the video standard for the recording (col. 12, lines 8-11); suppressing recording the digital stream as a further recording if no change in the video standard of the video signal is detecting; detecting a change in the video standard of the video signal (the CPU detects the video standard); and recording the digital stream as a further recording (Fig. 3; col. 3, lines 35-67 – displays every track has a subcode that identifies the track's video standard, which means that one track cannot have more than one kind of video standard recorded in it. Therefore, when the video standard changes the tracks will contain a different subcode, otherwise it will continue to use the same subcode.).

However, Takimoto fails to explicitly disclose a plurality of programs on the recording medium as well as automatically finalizing the current recording of a program when a change is detected.

Referring to the Koyabu et al. reference, Koyabu et al. discloses recording a plurality of programs on the same medium (Fig. 1; col. 5, lines 9-22 – the CPU compiles a list of programs recorded on the medium (30)); and when one of the recordings is finished the recording is finalized by finishing the metadata for the program and if another program is to be recorded the next one is started after the previous recording has been finalized (Fig. 5 – steps SP11-SP13; col. 7, line 66 - col. 8, line 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have finalized one recording before recording another program on the same medium as disclosed by Koyabu et al. in the video recorder disclosed by Takimoto in order to effectively record several programs on one recording medium instead of using a new recording medium for each program and to finalize the recording by updating the metadata for the program in order to efficiently find the program on the medium. Furthermore, Takimoto fails to disclose if the new video standard that is detected is for a new program or a different frame in the same program so it is broad enough to be read either way and when combined with the Koyabu et al. reference the new standard can indicate a recording of a new program. However, Takimoto in view of Koyabu et al. fails to disclose finalizing a current recording on the medium, but rather



Koyabu et al. stores the finalizing data in RAM separate from the recording medium. Official Notice is taken that is well-known to keep the information that Koyabu et al. stores in RAM on the medium. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have recorded the finalizing information on the medium rather than on the RAM as disclosed by Koyabu et al. in order to keep all information regarding the recording in the same location and because it is well-known in the art to have recording medium that include navigation information as well as header information providing you with certain characteristics about the program thereby making it easier to navigate.

Regarding claim 5, Takimoto discloses a process for recording a digital stream on a medium, the digital stream representing a video signal in one of a plurality of video standards, with the steps of: recording the digital stream as a first recording (col. 11, lines 61-63); suppressing recording automatically the digital stream as a second recording if no change from a first video standard to a second video standard is detected; detecting a change from the first video standard to the second video standard (the CPU detects the video standard); recording the digital stream as a second recording of a program if a change in the video standard is detected (Fig. 3; col. 3, lines 35-67 – displays every track has a subcode that identifies the track's video standard, which means that one track cannot have more than one kind of video standard recorded in it. Therefore, when the video standard changes the tracks will contain a different

subcode, otherwise it will continue to use the same subcode.). However, Takimoto fails to explicitly disclose a plurality of programs on the recording medium as well as automatically finalizing the current recording of a program if a change in the video standard is detected.

Referring to the Koyabu et al. reference, Koyabu et al. discloses recording a plurality of programs on the same medium (Fig. 1; col. 5, lines 9-22 – the CPU compiles a list of programs recorded on the medium (30)); and when one of the recordings is finished the recording is finalized by finishing the metadata for the program and if another program is to be recorded the next one is started after the previous recording has been finalized (Fig. 5 – steps SP11-SP13; col. 7, line 66 - col. 8, line 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have finalized one recording before recording another program on the same medium as disclosed by Koyabu et al. in the video recorder disclosed by Takimoto in order to effectively record several programs on one recording medium instead of using a new recording medium for each program and to finalize the recording by updating the metadata for the program in order to efficiently find the program on the medium. Furthermore, Takimoto fails to disclose if the new video standard that is detected is for a new program or a different frame in the same program so it is broad enough to be read either way and when combined with the Koyabu et al. reference the new standard can indicate a recording of a new program. However, Takimoto in view of Koyabu et

al. fails to disclose finalizing a current recording on the medium, but rather Koyabu et al. stores the finalizing data in RAM separate from the recording medium. Official Notice is taken that is well-known to keep the information that Koyabu et al. stores in RAM on the medium. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have recorded the finalizing information on the medium rather than on the RAM as disclosed by Koyabu et al. in order to keep all information regarding the recording in the same location and because it is well-known in the art to have recording medium that include navigation information as well as header information providing you with certain characteristics about the program thereby making it easier to navigate.

Regarding claim 6, Takimoto in view of Koyabu et al. discloses all the limitations as previously discussed with respect to claim 5 including the step of: recording an indicator of the second video standard for the second recording of a program (Takimoto: Fig. 3; col. 12, lines 8-11 and 18-22 – displays every track has a subcode that identifies the track's video standard; Koyabu et al.: Fig. 1; col. 5, lines 9-22 – recording more than one program on a medium).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEATHER R. JONES whose telephone number is

(571)272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones  
Examiner  
Art Unit 2621

HRJ  
July 16, 2009

/HUY T NGUYEN/  
Primary Examiner, Art Unit 2621